

**PLANNING BOARD  
REGULAR MEETING  
TUESDAY SEPTEMBER 22, 2015  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – August 18 and September 8, 2015
- III. ZONING APPLICATION 2015-631 – 11325 E Independence Blvd, PetSuites, From B-H to B-D(CD)
- IV. ZONING APPLICATION 2015-633 – 9709 and 9715 Northeast Pky, Windsor Professional Center, From Conditional to O(CD)
- V. ZONING APPLICATION 2015-634 – 419 Covenant Church Lane, Christ Covenant Church, From R-15 to R/I
- VI. PUBLIC IMPROVEMENTS VARIANCE – 2105 Rice Rd, Walking By Faith Church, Waiver and Deferral of Various Public Improvements on Rice Rd and Sam Newell Rd
- VII. ADMINISTRATIVE AMENDMENT – 310 through 326 Sadie Drive, Townhome Elevation Minor Changes
- VIII. ADJOURNMENT

MEMO

TO: Planning Board Members  
FROM: Kathi Ingrish  
DATE: September 16, 2015  
RE: September 22, 2015 Planning Board Meeting

Whoo-ee! It's been a busy last few weeks for all of us. As you know, Betty's new bundle of joy arrived on Tuesday September 8 at 12:15 PM. Kylan Anthony weighed in at 8 pounds, 14 ounces, and was greeted by his delighted family. He has already visited our office with his mom on the way to a doctor's appointment, and of course he's adorable! He's just not ready to let mom sleep at night yet.

There were three zoning public hearings completed at the Council meeting earlier this week. This is one of those months where there are only 8 days between public hearings and Planning Board meeting, so I do not have any updated documents from zoning applicants since Monday's public hearing to pass along at this time. The three cases are:

2015-631 for PetSuites, a proposed animal kennel on Moore Road. This hearing actually was continued from last month due to the many issues not yet resolved, such as how adjacent uses on each side line extended over the property lines for this site, the dumpster location designed for the front yard, and the building materials to be used. There were no new issues brought up this past Monday evening.

2015-633 for Windsor Professional Center, an office complex on Northeast Parkway behind Ross at Windsor Square. There have been two office buildings in use, plus 2 more are under construction now. This request takes the property out of the outdated Conditional zoning category and requests O(CD), office zoning, and would allow build-out of the site with similar 5<sup>th</sup> and 6<sup>th</sup> buildings. One person spoke at Monday's meeting, asking to verify the windows of the 6<sup>th</sup> building backing up to Northeast Parkway match the windows on the adjacent two buildings along the road frontage, and that any utilities not only be painted to match a color of the building, but match the building at the point where they are located and then screened with landscaping.

2015-634 for a small portion of the Christ Covenant Church campus still zoned single family residential. This parcel is next to the two houses used as church meeting and office spaces at the corner of Fullwood Lane and NC51, and now is adjacent to the Town's community garden plots. The parcel is part of the church campus property, and last spring plans for various building projects on the church campus were approved, which included some grading of this site. No further improvements have been requested for this parcel. Since the rest of the church campus is zoned R/I without any conditional site plan or written notes, this parcel is being requested to also go to a "straight" R/I designation.

The next agenda item is for a public improvements variance for a young church ready to start building their first permanent space at the corner of Rice and Sam Newell Roads. Staff has met with various representatives of Walking by Faith, and they have considered different ways of either meeting or seeking variances for the required improvements. Sam Newell Rd is designated as a minor thoroughfare on the regional Thoroughfare Plan map, which requires a minimum 70' wide right-of-way (35' from centerline of road). Within this right-of-way, the default cross section design for the road includes curb and gutter (storm sewer) and sidewalk along the road frontage of the property to be developed. Although it is a State-maintained road, and will in the future become part of the extended Northeast parkway/Arequipa Drive parallel collector road to Independence, the exact cross section has not been determined. Matthews and Charlotte are both strongly pushing for construction of the parallel collector roads in full when Independence is widened through Matthews. This could be as early as 6 to 10 years from now. Rice Road is a Town-maintained street, and Town Board wants to see the fourth leg of the Rice/Sam Newell intersection built as soon as possible. When that occurs, Rice Road in front of this church property will need to be changed to allow right/left, and straight movement. Therefore, the default

design for the street cross section here is also subject to revision. It comes down to the fact that the Town and NCDOT cannot at this time give the church representatives a definite design for improvements for either street frontage. The church therefore is requesting a public improvements variance to both streets, as follows:

For Sam Newell, 1) to not be required to install any curb and gutter or additional road pavement, since the alignment of the future thoroughfare cannot be pinned down at this time, and 2) to delay the requirement to construct sidewalk until they are ready to build Phase 2 of their site.

For Rice Road, they will build curb and gutter and sidewalk from the adjacent development to beyond their proposed driveway, up to their Phase 1 line, then are requesting a delay in curb, gutter, widened pavement, and sidewalk until their Phase 2 is ready to move forward.

The final agenda item is an Administrative Amendment for a townhome development on Sadie Drive. The project was rezoned to allow attached homes years ago, and two of the three rows of houses were built. Over time, the remaining property changed hands and the new owner is ready to complete the third group of five homes fronting Sadie. He is asking for minor modifications (all brick to brick with some siding, and fence/gate front yards) on the front and back to give more visual character. Elevation drawings were part of the earlier zoning conditions, so any changes require further Town approval. Staff has viewed the request and feels the changes are appropriate, since they meet Downtown Overlay standards. There are several drawings attached here to show the intended changes to building materials and yard enclosures by fence and gate entrances to each front door.

Our new Youth Voice appointee is Carly Newton, and we hope she is able to attend next Tuesday. This will give everyone a chance to meet her. We look forward to her input on many development projects in town.

As always, please let me know if you find you will not be in attendance next Tuesday evening. Also, feel free to call or e-mail us with questions at any time.



**MINUTES  
PLANNING BOARD  
TUESDAY, AUGUST 18, 2015  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

**PRESENT:** Chairman Steve Lee; Vice-chair Rob Markiewicz; Members Eric Welsh, Gary Turner, Barbara Dement and Michael Ham; Alternate members David Wieser and David Barley; Town Attorney Craig Buie; Planning Director Kathi Ingrish, Zoning Administrator/Planner II Mary Jo Gollnitz and Zoning Technician/Deputy Town Clerk Betty Lynd.

**ABSENT:** Town Attorney Charles Buckley; Member David Pratt; Youth Voice Sarah Ward

**CALL TO ORDER**

Chairman Steve Lee called the meeting to order at 7:02 p.m.

Mr. Welsh made a motion to appoint Mr. Wieser as a voting member for tonight's meeting. Mr. Ham seconded the motion and the motion carried unanimously.

**APPROVAL OF MINUTES**

Mr. Welsh made a motion to approve the July 28, 2015 minutes as submitted. Mr. Ham seconded the motion and the motion carried unanimously.

**PUBLIC IMPROVEMENT VARIANCE- 1503 Home Place, Delay Installation of Sidewalk**

Ms. Gollnitz explained that the property owner, Mr. Kenneth Dykstra, is requesting to delay the construction of the portion of sidewalk required on his property until the contiguous properties are evaluated for sidewalk installation. A building permit was issued to Arcadia Homes for the construction of the principal structure on September 29, 2014. There was a conditional note on the building permit that stated contact must be made with the Public Works Director concerning installation of a sidewalk per the recorded plat. Planning Staff was notified of the missing sidewalk when Arcadia Homes submitted a driveway permit application and subsequently Public Works recognized the missing sidewalk from researching the building permit. The adjacent property, 1517 Home Place, was created by Lots 2 and 3 on the recorded subdivision plat being recombined. The sidewalk is noted on the recorded subdivision plat as required. 1517 Home Place was constructed in 2008 and was able to receive their Certificate of Occupancy without the sidewalk being installed. Mr. Dykstra's family is moving from Kansas and are asking for a delay in order to obtain a Certificate of Occupancy and move in. Ms. Gollnitz stated that a representative with Arcadia Homes, Mr. Shawn Johnson, was available for questions along with staff.

Mr. Welsh inquired about the current status of 1517 Home Place. Ms. Gollnitz stated that staff will begin working with the property owner of 1517 Home Place concerning the installation of their portion of sidewalk.

Mr. Ham asked if the property owner knew about the required sidewalk installation. Ms. Gollnitz stated that the sidewalk is described on the recorded deed and should have been placed on the survey and building permit as well. Mr. Ham asked if the sidewalk should have been installed before the house construction was completed. Ms. Gollnitz stated this was correct.

Mr. Welsh asked about the length of the delay. Ms. Gollnitz stated that staff cannot answer to the length of the delay without having initiated discussions with 1517 Home Place. The property on the other side of Mr. Dykstra's property will not be required to put in a sidewalk until it is redeveloped. Mr. Welsh asked if the delay included the second property as well. Ms. Gollnitz stated that if the board's recommendation is for 1517 and 1503 Home Place, that is what the property owner will follow.

Mr. Barley inquired about a bond. Ms. Gollnitz stated staff is not aware of a bond that has been created for sidewalk installation. Mr. Ham stated that the board could recommend a bond be placed or an estimate obtained for the sidewalk.



Mr. Turner asked what type of leverage staff has to force 1517 Home Place to install their portion of sidewalk. Ms. Gollnitz stated a notice of violation could be issued. Mr. Turner asked what the means of enforcement could include short of litigation. Ms. Ingrish stated there is nothing specifically stated in subdivision processes like there is in zoning processes. Mr. Turner asked if that meant this is a delay for a sidewalk portion that could potentially never happen. Ms. Gollnitz stated that staff will work with the property owner, but there is a potential for refusal.

Mr. Shawn Johnson with Arcadia Homes, at 6428 Bannington Road Suite A, Charlotte came to the podium to represent Mr. Dykstra.

Mr. Lee asked that since Arcadia Homes built both 1503 and 1517 Home Place, is Arcadia Homes coming forward to complete the sidewalk installation. Mr. Johnson stated that 1517 Home Place was built some years ago and he was not the builder on that property. Mr. Johnson stated that as he was building 1503 there was a hold on the property, but due to no sidewalk being installed at 1517 Home Place and the subsequent corner property, he did not think it meant installation. Sometimes the hold is placed there due to possible damage to the curb during construction of the home. Mr. Johnson stated that Mr. Dykstra does not have an issue with installing a sidewalk, but that putting it in without the completion of a sidewalk on 1517 Home Place's property would not be advantageous. However, without the installation of the sidewalk, Mr. Dykstra is unable to obtain a Certificate of Occupancy and Arcadia Homes cannot get gas installed in the home. Mr. Johnson stated that it was his belief Mr. Dykstra would be willing to post a bond to guarantee installation. Mr. Johnson stated that there has been discussion with graders, etc. for the future installation, but slope would be an issue.

Ms. Dement asked if there was a cost calculated for the sidewalk installation on 1503 Home Place. Mr. Johnson stated that it depended on the engineer's plans and where the actual sidewalk would be placed due to the grading. There are several utility meters in the way at 4 feet into the property. Mr. Ham noted that meandering the sidewalk would place the sidewalk further into Mr. Dykstra's property.

Ms. Dement asked if there was a sidewalk across the street. Mr. Johnson confirmed that was correct. Mr. Barley asked if Arcadia Homes was the seller of the lots to the property owner. Mr. Johnson stated they were not. Arcadia Homes was approached by the property owners to construct homes.

Mr. Ham stated that this issue has come up too many times. He inquired if there was a discussion that could be held with Mecklenburg County inspectors. Ms. Ingrish stated that looking for sidewalk holds is an issue that was reinforced after the previous case in Streamside.

Ms. Dement stated that this case has a particular hardship due to the medical issues and out of state move. It is unfortunate that this was not caught during construction. Ms. Dement stated that she interpreted the request to include both 1517 Home Place and the adjacent property on the other side. She asked if the recommendation could include both properties being evaluated for sidewalk installation.

Mr. Lee stated he was in agreement about hardship, but there should be discussion of timeframe and bond. Ms. Dement stated a bond could be appropriate. Mr. Welsh stated his agreement on the hardship, but 1517 Home Place has created a huge problem, because it could be a requirement in the recommendation, but the sidewalk may never be installed. Mr. Welsh stated that he believed the corner property on the other side of Mr. Dykstra should not be included because there was no timeframe for development on that property. However, he believed placing a deadline on the request would be a way to enforce the sidewalk on 1517 Home Place.

Mr. Ham stated that he could agree on the request due to a sidewalk being present on the other side for current pedestrian use. He also said that he believed a bond would put necessary pressure on the residence to ensure installation. Ms. Dement stated a need for time limit. Mr. Lee stated that the neighborhood is well connected currently. Mr. Ham stated the sidewalk needs to go in no matter who installs the sidewalk, whether it ends up being the Town. It creates a walkable community.

Mr. Markiewitz stated that involving 1517 Home Place in 1503 Home Place's bond could create a conflict between property owners.



Mr. Markiewitz asked about the builder paying for the installation of the sidewalk on 1517 Home Place. Mr. Johnson stated that the homeowner, Mr. Dykstra will pay for 1503 Home Place's sidewalk because a sidewalk was not included in Arcadia Homes' contract. Mr. Johnson stated he could not answer for Arcadia Homes paying anything for 1517 Home Place. Mr. Johnson also stated that he has had contact with 1517 Home Place's owners about the upcoming need for sidewalk installation. Mr. Markiewitz asked if Arcadia Homes would be able to take point on mediating a solution for 1517 Home Place's sidewalk. Mr. Johnson stated he would discuss it with his supervisors, but could not speak for them on their obligations. He also stated that he did not know if an answer could be determined in time for Monday's Town Board meeting. Ms. Gollnitz reminded the Board that this meeting was moved up to accommodate the August 24, 2015 Town Board meeting and to render a decision quickly due to Mr. Dykstra's hardship.

Mr. Turner asked if staff knew if the sidewalk condition was on the permits for 1517 Home Place. Ms. Gollnitz stated that permit had not been pulled by staff. The recorded deed did have a sidewalk for both properties.

Mr. Lee stated that a year seemed like a reasonable timeframe for the delay. Mr. Welsh stated that he did not see a resolution for 1517 Home Place by Monday's Town Board meeting. Mr. Johnson stated that he was present to represent Mr. Dykstra, but would be willing to discuss potential solutions with Arcadia Homes. Mr. Johnson asked what the cost of the bond would be. Mr. Lee stated it would be a percentage of the project. Mr. Barley stated if there was a bond placed it should be enough to cover the project, should the bond be defaulted on.

Mr. Wieser asked for confirmation that the homeowner of 1503, Mr. Dykstra, is paying for his portion of sidewalk. Mr. Johnson stated that was correct. Mr. Lee stated it would be difficult to make Arcadia Homes pay for 1517 Home Place's sidewalk when it is the property owner who is paying on 1503 Home Place. Mr. Ham stated that he had no issue with giving 1503 Home Place the variance to obtain the Certificate of Occupancy, as long as a bond is guaranteed for the sidewalk.

Mr. Welsh asked if there was any penalty or fines that could be enforced upon 1517. Ms. Gollnitz stated that a notice of violation could be issued. If the property were to be sold, there would be a notice of violation on the property. Mr. Turner asked if a lien could be placed on the property. Ms. Gollnitz stated that could not happen. Mr. Turner stated he had a hard time making the bond or delay contingent upon 1517 Home Place with no way to force 1517 to install a sidewalk.

Mr. Ham made a motion to recommend approval of the variance to allow a delay in the sidewalk construction and allow a Certificate of Occupancy to be issued for 1503 Home Place, with the condition that the homeowner place a bond to guarantee the sidewalk installation be completed not later than one year from the date of approval. Mr. Welsh added clarification that Arcadia Homes initiate contact with the homeowner of 1517 Home Place and report at Monday's Town Board meeting whether or not Arcadia Homes will pay for 1517 Home Place's sidewalk. There was some discussion on who would be responsible for the bond.

Mr. Ham restated his motion to recommend approval with the condition that a bond be placed to guarantee completion of the sidewalk within one year of the approval date. The Planning Board also recommends that the developer, Arcadia Homes, works with the property owner of 1517 Home Place for completion of their sidewalk and if possible, Arcadia Homes be the bond holder for 1503 Home Place. Mr. Markiewitz seconded the motion. The vote was 5-2, with Mr. Turner and Ms. Dement in opposition.

#### **SET SCHEDULE TO REVIEW YOUTH VOICE APPLICATIONS FOR SCHOOL YEAR 2015-16**

Ms. Ingrish stated that the deadline for student Youth Voice applications is Thursday, August 20<sup>th</sup>, therefore there may be a few additional applications beside what has already been received. Ms. Dement asked how many have been submitted. Ms. Ingrish stated the department has received one application. She also explained that in the past, the Planning Board has met with potential applicants. Because the Planning Board is not scheduled to meet again until the end of September, a special meeting would need to be held in order to meet with applicants. Mr. Lee suggested a small subcommittee of members could meet with the applicants once they agreed on a time and date.

**ADJOURNMENT**

Mr. Ham made a motion to adjourn the meeting at 8:01 p.m. The motion was seconded by Mr. Wieser and the motion carried unanimously.

Respectfully submitted,

Betty Lynd  
Zoning Technician/ Deputy Town Clerk

DRAFT



**MINUTES  
PLANNING BOARD  
CALLED MEETING  
TUESDAY SEPTEMBER 8, 2015  
7:00 PM  
MATTHEWS TOWN HALL LOBBY**

**PRESENT:** Chairman Stephen Lee; Vice Chair Rob Markiewitz; Members Eric Welsh and Michael Ham; Planning Director Kathi Ingrish

**ABSENT:** Members Barbara Dement, Gary Turner, and David Pratt; Alternates David Barley and David Wieser

Chairman Lee called the meeting to order at 7:12 PM. He introduced the members to the three high school students in attendance as candidates for the Youth Voice position for the school year 2015-2016. He explained the role and responsibilities of the Youth Voice and all said they could attend the monthly meetings on a regular basis.

Board members and students talked about their views of Matthews and how growth has shaped this community. Each student gave a brief explanation as to why they were interested in taking on the Youth Voice position. At the close of the conversation, the students left the meeting.

Board members then reviewed the statements made by each student, their apparent overall interest level, and their expectations. Board members also discussed how the Board could better encourage this and future Youth Voice individuals to be more involved during their year. Members spent time deliberating which of the candidates would best fit the role, finally deciding that Carly Newton was their selected applicant. Her family connection to Matthews, her positivity about her hometown, and her desire to give back to this community were strong attributes the members felt made her the right choice.

The members present confirmed they were acting as a subcommittee of the entire Planning Board in making this decision, and their choice would be passed on to the members unable to attend this special meeting so that the new Youth Voice appointee would be able to formally be seated with the full Board later this month. They suggested that at the September 22 Planning Board meeting, each Board member should encourage Carly to know she is part of the Board for all discussion purposes, and encourage her to come up with some additional activity during the year outside of attending meetings to further expand her understanding of planning at the community level.

The meeting adjourned at 8:20 PM.

Respectfully submitted,

Kathi Ingrish  
Planning Director